

THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, N.Y. 12234

OFFICE OF PROFESSIONAL DISCIPLINE
ONE PARK AVENUE, NEW YORK, NEW YORK 10016-5802

February 28, 1990

Edward Blumenkrantz, Physician
Brookside Road
Binghamton, N.Y. 13903

Re: License No. 075154

Dear Dr. Blumenkrantz:

Enclosed please find Commissioner's Order No. 10510. This Order and any penalty contained therein goes into effect five (5) days after the date of this letter.

If the penalty imposed by the Order is a surrender, revocation or suspension of your license, you must deliver your license and registration to this Department within ten (10) days after the date of this letter. In such a case your penalty goes into effect five (5) days after the date of this letter even if you fail to meet the time requirement of delivering your license and registration to this Department.

Very truly yours,

DANIEL J. KELLEHER
Director of Investigations
By:

MOIRA A. DORAN
Supervisor

DJK/MAH/er
Enclosures

CERTIFIED MAIL- RRR

cc: Charles Ingraham, Esq.
Aswad & Ingraham
46 Front Street
Binghamton, N.Y. 13905



The University of the State of New York
IN THE MATTER

OF

EDWARD BLUMENKRANTZ
(Physician)

**DUPLICATE
ORIGINAL
VOTE AND ORDER
NO. 10510**

Upon the application of EDWARD BLUMENKRANTZ, under Calendar No. 10510, which application is made a part hereof, and in accordance with the provisions of Title VIII of the Education Law, it was

VOTED (February 16, 1990): That the application of EDWARD BLUMENKRANTZ, respondent, for a consent order be granted; and that the Commissioner of Education be empowered to execute, for and on behalf of the Board of Regents, all orders necessary to carry out the provisions of this vote;

and it is

ORDERED: That, pursuant to the above vote of the Board of Regents, said vote and the provisions thereof as well as the application and the provisions thereof are hereby adopted and **SO ORDERED**, and it is further

ORDERED that this order shall take effect as of the date of the personal service of this order upon the respondent or five days after mailing by certified mail.

EDWARD BLUMENKRANTZ (10510)

IN WITNESS WHEREOF, I, Thomas Sobol,
Commissioner of Education of the State of
New York, for and on behalf of the State
Education Department and the Board of
Regents, do hereunto set my hand and affix
the seal of the State Education Department,
at the City of Albany, this 22nd day of
February, 1990.

Thomas Sobol
Commissioner of Education

**ORDER OF THE COMMISSIONER OF
EDUCATION OF THE STATE OF NEW YORK**

EDWARD BLUMENKRANTZ, M.D.

CALENDAR NO. 10510

EDWARD BLUMENKRANTZ, M.D.

I admit guilt to the Second Specification with regard to paragraphs A, B and B(1)(i) and B(1)(ii), B(2), B(3), C and C(1) and to the Fourth Specification with regard to paragraphs B and B(3) in full satisfaction of all the charges.

I hereby agree to the penalty that my license to practice as a physician in the State of New York be suspended for a period of two years, that execution of the suspension be stayed and that I be placed on probation for a period of two years under the terms set forth in the exhibit annexed hereto, made a part hereof, and marked as "Exhibit B".

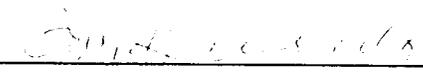
I hereby make this application to the Board of Regents and request that it be granted.

I understand that, in the event that this application is not granted by the Board of Regents, nothing contained herein shall be binding upon me or construed to be an admission of any act of misconduct alleged or charged against me, such application shall not be used against me in any way and shall be kept in strict confidence during the pendency of the professional misconduct disciplinary proceeding; and such denial by the Board of Regents shall be made without prejudice to the continuance of any disciplinary proceeding and the final determination by the Board of Regents pursuant to the provisions of the Education Law.

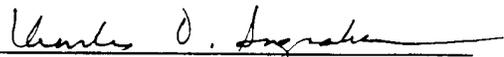
EDWARD BLUMENKRANTZ, M.D.

I agree that, in the event the Board of Regents grants my application, as set forth herein, an order of the Commissioner of Education may be issued in accordance with same.

No promises of any kind were made to me. I am making this application of my own free will and accord and not under duress, compulsion or restraint of any kind or manner.


EDWARD BLUMENKRANTZ, M.D.
Respondent

Sworn to before me this
28 day of October, 1989.



NOTARY PUBLIC

CHARLES O. INGRAHAM
Notary Public, State of New York

Residence: _____
My Commission Expires 2/28/91

STATE OF NEW YORK : DEPARTMENT OF HEALTH
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

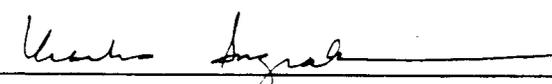
IN THE MATTER : APPLICATION
OF : FOR
EDWARD BLUMENKRANTZ, M.D. : CONSENT
: ORDER

The undersigned agree to the above statement and to the proposed penalty based on the terms and conditions thereof.

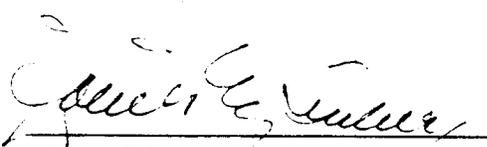
Date: October 28, 1989


EDWARD BLUMENKRANTZ, M.D.
Respondent

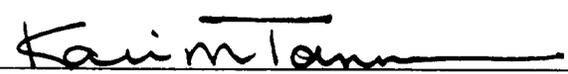
Date: October 28, 1989


CHARLES INGRAHAM, Esq.
Attorney for Respondent

Date: November 8, 1989

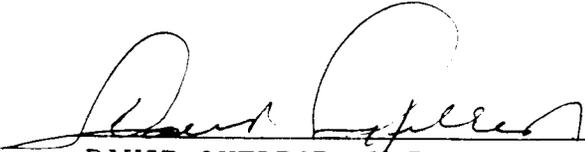

MEMBER, State Board for
Professional Medical Conduct

Date: Nov. 8, 1989


KATHLEEN M. TANNER
Director, Office of Professional
Medical Conduct

EDWARD BLUMENKRANTZ, M.D.

The undersigned has reviewed and agrees to the attached application for consent order.

Date: 11/6/88 
DAVID AXELROD, M.D.
Commissioner of Health

The undersigned, a member of the Board of Regents who has been designated by the Chairman of the Regents Committee on Professional Discipline to review this Application for a Consent Order, has reviewed said application and recommends to the Board of Regents that the application be granted.

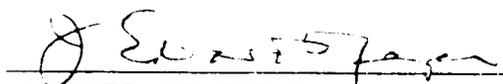
Date: Jan 2, 1990 
MEMBER OF THE BOARD OF REGENTS

Exhibit "A"

STATE OF NEW YORK : DEPARTMENT OF HEALTH
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

IN THE MATTER :
OF : NOTICE
EDWARD BLUMENKRANTZ, M.D. : OF
: HEARING

TO: EDWARD BLUMENKRANTZ, M.D.
Brookside Road
Binghamton, New York 13903

PLEASE TAKE NOTICE:

A hearing will be held pursuant to the provisions of N.Y. Pub. Health Law §230 (McKinney Supp. 1989) and N.Y. State Admin. Proc. Act §§301-307 (McKinney 1984 and Supp. 1989). The hearing will be conducted before a committee on professional conduct of the State Board for Professional Medical Conduct on the 17th day of October, 1989 at 10:00 in the forenoon of that day at Justice Building, Court of Claims, Court Room No. 1, 7th Floor, Empire State Plaza, Albany, New York and at such other adjourned dates, times and places as the committee may direct.

At the hearing, evidence will be received concerning the allegations set forth in the Statement of Charges, which is attached. A stenographic record of the hearing will be made and the witnesses at the hearing will be sworn and examined. You shall appear in person at the hearing and may be represented by

counsel. You have the right to produce witnesses and evidence on your behalf, to have subpoenas issued on your behalf in order to require the production of witnesses and documents and you may cross-examine witnesses and examine evidence produced against you. A summary of the Department of Health Hearing Rules is enclosed.

The hearing will proceed whether or not you appear at the hearing. Please note that requests for adjournments must be made in writing to the Administrative Law Judge's Office, Empire State Plaza, Tower Building, 25th Floor, Albany, New York 12237 and by telephone (518-473-1385), upon notice to the attorney for the Department of Health whose name appears below, and at least five days prior to the scheduled hearing date. Adjournment requests are not routinely granted as scheduled dates are considered dates certain. Claims of court engagement will require detailed Affidavits of Actual Engagement. Claims of illness will require medical documentation.

At the conclusion of the hearing, the committee shall make a determination concerning what action should be taken with respect to your license to practice medicine in the State of New York.

Pursuant to Section 301(5) of the State Administrative Procedure Act, the Department, upon reasonable notice, will provide, at no charge, a qualified interpreter of the deaf to

interpret the proceeding to, and the testimony of, any deaf person.

Pursuant to the provisions of N.Y. Pub. Health Law §230 (McKinney Supp. 1989), you may file an answer to the Statement of Charges not less than ten days prior to the date of the hearing. Pursuant to N.Y. Admin. Code Tit. 10, §51.5(c), an answer is required if there are affirmative defenses. Such answer shall be forwarded to the Division of Legal Affairs, Room 2429, Corning Tower, Empire State Plaza, Albany, New York 12237.

THESE PROCEEDINGS MAY RESULT IN A
RECOMMENDATION THAT YOUR LICENSE TO
PRACTICE MEDICINE IN NEW YORK STATE BE
REVOKED OR SUSPENDED, AND/OR THAT YOU BE
FINED OR SUBJECT TO THE OTHER SANCTIONS SET
OUT IN NEW YORK EDUCATION LAW §6511
(MCKINNEY 1985). YOU ARE URGED TO OBTAIN
AN ATTORNEY TO REPRESENT YOU IN THIS MATTER.

DATED: Albany, New York
September 15, 1989


PETER D. VAN BUREN
Deputy Counsel

Inquiries should be directed to: Anna D. Colello
Assistant Counsel
Telephone No.: (518) 473-7772

STATE OF NEW YORK : DEPARTMENT OF HEALTH
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

-----X
IN THE MATTER : STATEMENT
OF : OF
EDWARD BLUMENKRANZ, M.D. : CHARGES
-----X

EDWARD BLUMENKRANZ, M.D., hereinafter referred to as the Respondent, was authorized to engage in the practice of medicine in the State of New York on May 27, 1954 by the issuance of License Number 075154 by the State Education Department. The Respondent is currently registered with the New York State Education Department to practice medicine for the period January 1, 1989 through December 31, 1991 from Brookside Road, Binghamton, New York 13903.

FACTUAL ALLEGATIONS

A. Respondent provided medical care to Patient A, a 31 year old female (identified in Appendix A) from approximately June 7, 1983 to August 4, 1983 at the Otsego County Mental Health Clinic, 3200 Chestnut Street, Oneonta, New York for bipolar disorder.

B. Respondent provided medical care to Patient A from approximately December 1984 through approximately August 1987

by issuing at least nineteen prescriptions (prescriptions identified in Appendix B).

1. Prior to issuing the aforesaid prescriptions, Respondent:
 - i. Failed to adequately evaluate Patient A;
 - ii. Failed to determine what treatment and/or medications were being provided to Patient A by other medical practitioners during the same time period.
2. Respondent issued said prescriptions without medication indication.
3. Respondent failed to maintain medical records of his treatment and/or prescribing to Patient A.

C. Respondent, from approximately August 1983 through approximately November 1986, engaged in inappropriate conduct with Patient A in that:

1. Respondent wrote letters to Patient A of a personal nature.
2. Respondent gave money to Patient A.
3. Respondent gave gifts to Patient A.
4. Respondent encouraged Patient A to live with him.

FIRST SPECIFICATION

MORAL UNFITNESS TO PRACTICE MEDICINE

Respondent is charged with professional misconduct by reason of his committing unprofessional conduct within the meaning of N.Y. Educ. Law §6509(9) (McKinney 1985) and 8 NYCRR 29.1(b)(5) (1987) by his having engaged in conduct in the practice of

medicine which evidences moral unfitness to practice, in that,
Petitioner charges:

1. The facts in Paragraphs A and C.1., C.2., C.3., and/or C.4.

SECOND SPECIFICATION

NEGLIGENCE ON MORE THAN ONE OCCASION

Respondent is charged with professional misconduct by reason of his having practiced the profession with negligence on more than one occasion within the meaning of N.Y. Educ. Law §6509(2) (McKinney 1985) in that Petitioner charges that Respondent has committed at least two or more of the following:

2. The facts in Paragraphs A, B, B.1.(i), B.1.(ii), B.2., B.3., C.1., C.2., C.3., and/or C.4.

THIRD SPECIFICATION

INCOMPETENCE ON MORE THAN ONE OCCASION

Respondent is charged with professional misconduct by reason of his having practiced the profession with incompetence on more than one occasion within the meaning of N.Y. Educ. Law §6509(2) (McKinney 1985) in that Petitioner charges that Respondent has committed at least two or more of the following:

3. The facts in Paragraphs A, B, B.1(i), B.1(ii), B.2., B.3., C.1., C.2., C.3., and/or C.4.

FOURTH SPECIFICATION

FAILING TO MAINTAIN ADEQUATE RECORDS

Respondent is charged with professional misconduct by reason of his committing unprofessional conduct within the meaning of N.Y. Educ. Law §6509(9) (McKinney 1985) and 8 NYCRR §29.2(a)(3) (1987) by his failing to maintain a record which accurately reflects the evaluation and treatment of the patient in that Petitioner charges:

4. The facts in Paragraph B and B.3.

DATED: Albany, New York
September 15, 1989

Peter D Van Buren

PETER D. VAN BUREN
Deputy Counsel
Bureau of Professional Medical
Conduct

APPENDIX B

<u>Drug Prescribed</u>	<u>Amount</u>	<u>Date Issued</u>
1. Ativan	2 mg #60	8/5/87
2. Ativan	2 mg #60	7/24/87
3. Ativan	2 mg #60	7/6/87
4. Ativan	2 mg #60 Refill 3 times	6/11/87
5. Lithobid	300 mg #60 Refill 3 times	6/11/87
6. Zanax	.5 mg #30 Refill 2 times	5/87
7. Zanax	5 mg #30 (Written follow-up not received)	5/6/87
8. Ativan	2 mg #30 Refill 2 times	4/28/87
9. Ativan	2mg #20	12/7/86
10. Ativan	2 mg #20	11/9/86
11. Ativan	2mg #20 Refill once	10/24/86
12. Valium	10 mg #15	10/22/86
13. Librium	25 mg. #30	9/30/86
14. Ativan	2 mg #12	8/3/86
15. Ativan	2 mg #60	2/17/86
16. Valium	10 mg #60	12/6/85
17. Ativan	2 mg #90	10/28/85
18. Valium	10 mg #15	3/1/85
19. Valium	10 mg #60	12/6/84

SUMMARY OF DEPARTMENT OF HEALTH HEARING RULES

(Pursuant to Section 301 SAPA)

The following items are addressed by the Uniform Hearing Procedures Rules of the New York State Department of Health:

Applicability

Definitions

Notice of Hearing

Adjournment

Answer or Responsive Pleading

Amendment of Pleadings

Service of Papers

Discovery

Hearing Officer/Pre-Hearing Conference

Pre-Hearing Conference

Stipulations and Consent Orders

The Hearing

Hearing Officer's Report

Final Determination and Order

Waiver of Rules

The exact wording of the rules is found at 10 NYCRR Part 51 of Volume 10 of the New York Code of Rules and Regulations. Each of the above items may be summarized as follows:

51.1 Applicability. These regulations apply to most hearings conducted by the Department of Health.

51.2 Definitions.

1. "Commissioner" means Commissioner of the New York State Department of Health.

2. "CPLR" means Civil Practice Law and Rules.

3. "Department" means New York State Department of Health.

4. "Hearing Officer" means the person appointed to preside at the hearing or the person designated as administrative officer pursuant to Public Health Law Section 230.

5. "Party" means all persons designated as petitioner, respondent or intervenor.

6. "Report" means the Hearing Officer's summary of the proceeding and written recommendation or the findings, conclusions and recommendations of the hearing committee pursuant to Public Health Law Section 230.

51.3 The Department's Notice of Hearing and/or Statement of Charges should be served at least 15 days prior to the first hearing date, specify time, place and date(s) and should contain the basis for the proceeding.

51.4 Adjournment. Only the Hearing Officer may grant an adjournment, and only after he/she has consulted with both parties.

51.5 Answer to Responsive Pleading. A party may serve a response to the allegations of the Department.

51.6 Amendment to Pleadings. A party may usually amend papers if no substantial prejudice results by leave of the Hearing Officer.

51.7 Service of Papers. Except for the Notice of Hearing and/or Statement of Charges, all papers may be served by ordinary mail.

51.8 Disclosure. Generally, there is no disclosure of any kind and the Hearing Officer cannot require it, unless all parties agree. If agreed to, the Hearing Officer will ensure all parties proceed in accordance with their agreement. However, in a hearing in which revocation of a license or permit is sought or possible, a party may demand in writing that another party disclose the names of witnesses, documents, or other evidence such other party intends to offer at the hearing. A demand for such disclosure must be served at least 10 days prior to the first scheduled hearing date. Disclosure or a statement that the party has nothing to disclose must be made at least 7 days before the first scheduled hearing date. A party that determines to present witnesses or evidence not previously disclosed must supplement its disclosure as soon as practicable. The Hearing Officer may, upon good cause shown, modify the times for demands for and responses to disclosure or allow a party not to disclose or limit, condition or regulate the use or information disclosed and may preclude the introduction of evidence not disclosed pursuant to a demand.

51.9 Hearing Officer. He/she presides over the hearing and has the authority to ensure it is conducted in an orderly fashion. He/she may also order the parties to meet before the hearing to discuss the procedure. He/she does not have the authority to remove testimony from the transcript and/or dismiss charges unless authorized by delegation.

51.10 Stipulation and Consent Orders. At any time prior to a final order, parties may resolve all or any issues by stipulation. An order issued pursuant to a stipulation has the same force and effect as one issued after hearing.

51.11 The Hearing. A party may have an attorney represent him or her. Failure to appear may result in an adverse ruling. A hearing may be combined with or separated from another hearing depending on whether such action will result in delay, cost or prejudice. While the rules of evidence as applied in a courtroom are not observed, witnesses must be sworn or give an affirmation and each party has the right to present its case and to cross-examine. The Department has broad discretion to place documents into evidence. A record of the proceeding must be made. In enforcement cases, the Department has the burden of proof and of going forward. In matters relating to neglect or abuse of patients under Public Health Law Section 2803-d, the Hearing Officer may not compel disclosure of the identity

EXHIBIT B

EDWARD BLUMENKRANTZ, M.D.

TERMS OF PROBATION

1. Dr. Blumenkrantz shall conduct himself in all ways in a manner befitting his professional status, and shall conform fully to the moral and professional standards of conduct imposed by law and by his profession;
2. Dr. Blumenkrantz shall comply with all federal, state and local laws, rules and regulations governing the practice of medicine in New York State.
3. Dr. Blumenkrantz shall submit prompt written notification to the Board addressed to the Director, Office of Professional Medical Conduct, New York State Health Department, Empire State Plaza, Tower Building, Room 438, Albany, New York 12237 of any change in employment, practice, residence or telephone number, within or without the State of New York;
4. Dr. Blumenkrantz shall have quarterly meetings with a monitoring physician who shall review Dr. Blumenkrantz's prescribing practice. This monitoring physician shall review Dr. Blumenkrantz's written record of drugs which have been prescribed, dispensed or administered and shall randomly review selected medical records and evaluate whether Dr. Blumenkrantz's prescribing practice and medical care comport with generally accepted standards of medical practice. This monitoring physician shall be selected by Dr. Blumenkrantz and is subject to the approval of the Director of the Office of Professional Medical Conduct. The monitoring physician shall submit quarterly reports to the Director of the Office of Professional Medical Conduct.
5. Dr. Blumenkrantz shall undergo a psychiatric evaluation at his own expense by a board certified psychiatrist, approved by the Director of the Office of Professional Medical Conduct to determine if he has resolved his feelings with regard to Patient A and if he understands the proper boundaries of the psychiatrist - patient relationship. Dr. Blumenkrantz will undergo further therapy if the evaluating psychiatrist deems necessary.

6. Dr. Blumenkrantz shall submit quarterly declarations, under penalty of perjury, stating whether or not there has been compliance with all the terms of probation, and, if not, the specifics of the non-compliance. These declarations should be sent to Kathleen M. Tanner.
7. Dr. Blumenkrantz shall submit written proof to Kathleen M. Tanner, the Director of the Office of Professional Medical Conduct, that he has paid all registration fees due and is currently registered to practice medicine with the New York State Education Department. If Dr. Blumenkrantz elects not to practice in New York State, then he shall submit written proof that he has notified the New York State Education Department of that fact.
8. If there is full compliance with every term herein set forth, Respondent may continue to practice his aforementioned profession in accordance with the terms of probation; provided, however, that upon receipt of evidence of noncompliance with or any other violation of probation proceeding and/or such other proceeding may be initiated against Respondent pursuant to the Education Law, Rules of the Board of Regents and/or Public Health Law.